

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ELI SCHMIDT,

Defendant.

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Case No. 6:05-CV-03059-MDH

ORDER

Before the Court is the government's Motion for Conditional Release. (Doc. 54). Pursuant to the governing law and in accordance with Local Rule 72.1 of the United States District Court for the Western District of Missouri, the government's motion was referred to the United States Magistrate Judge for preliminary review under 28 U.S.C. § 636(b).

The Magistrate Judge conducted a hearing on December 4, 2018, and submitted a report and recommendation to the undersigned. (Doc. 57). All parties have agreed to waive the statutory 14 day waiting period in which to file exceptions. Therefore, the matter is ripe for review. After a review of the record before the Court, the Court agrees with the report and recommendation issued by the United States Magistrate Judge, and in accordance with such:

IT IS HEREBY ORDERED that the report and recommendation (Doc. 57) of the United States Magistrate Judge is **ADOPTED** and that the government's Motion for Conditional Release (Doc. 54) is **GRANTED**.

IT IS FURTHER ORDERED that Defendant be, and is hereby, conditionally released pursuant to Title 18 U.S.C. § 4246(e) under the following conditions:

1. Pursuant to 18 U.S.C. § 3603(8)(A), Mr. Schmidt is subject to supervision by the U.S. Probation Office for the District of South Dakota.
2. Mr. Schmidt shall reside with his mother, Roselyn Roubideaux, at Sunrise 1, apartment #6, Mission, SD, 57555. Mr. Schmidt shall not reside at any other residence unless such is preapproved by the U.S. Probation Office.
3. Mr. Schmidt shall actively participate in, and cooperate with, a regimen of mental health care and psychiatric aftercare as directed and administered by the treating mental health provider. This is to include his voluntary admission to an inpatient facility for stabilization should it be deemed necessary. He shall follow all the rules, regulations and instructions of the treatment staff and comply with the treatment regimen recommended
4. Mr. Schmidt shall continue to take his medications, including injectable units, as prescribed for him by the medical provider.
5. Mr. Schmidt shall waive his rights to confidentiality regarding his mental health treatment in order to allow sharing of information with the U.S. Probation Office, and other mental health treatment providers.
6. Mr. Schmidt shall refrain from the use of alcohol and illegal drug usage, as well as the abuse of over-the-counter medications, and submit to random urinalysis testing as warranted by treating mental health staff and/or the U.S. Probation Office. This includes participating in substance abuse treatment as deemed necessary.
7. Mr. Schmidt shall not have in his possession at any time actual or imitation firearms or other deadly weapons and he may not write, say, or communicate threats. He shall submit to a warrantless search on request of any law enforcement officer of his person or property for the

purpose of determining compliance with this provision and shall permit confiscation of any such contraband.

8. Mr. Schmidt shall not commit a federal, state, or local crime, and he shall immediately notify his treating mental health provider and the U.S. Probation Office if he is arrested or questioned by any law enforcement officer. Mr. Schmidt shall not associate with any person convicted of a felony, unless granted permission to do so.
9. Any violations of Mr. Schmidt's conditional release, known to the treating mental health provider, the U.S. Probation Office, or other law enforcement agency, shall be reported to the Legal Department at the United States Medical Center for Federal Prisoners. Violation reports can be emailed to: SPG/Legal Svcs~@bop.gov.

IT IS SO ORDERED.

DATED: December 6, 2018

/s/ Douglas Harpool
DOUGLAS HARPOOL
UNITED STATES DISTRICT JUDGE